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October 10, 2003

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

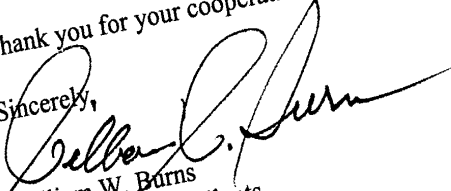
**RE: TRANSMITTAL OF BRIEF ON APPEAL
TO BOARD OF APPEALS
APPLICATION NO.: 09/752,236
APPLICANTS: RONALD L. FARIA AND
CHRISTINE A. REAMES
FILED: 01/02/2001
FOR: SCANEZE CHECK-IN-CHECK-OUT
LIBRARY WORKSTATION**

Sir:

We have enclosed herewith the **BRIEF ON APPEAL** to the Board Of Appeals in the
above-captioned prosecution. We have also enclosed herewith the Brief Filing Fee in the
amount of \$165. Please return the enclosed postcard with file stamped upon receipt.

Thank you for your cooperation with regard to this matter.

Sincerely,


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WWB:ep

Encl.

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APPEAL BRIEF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re APPLICATION OF:

**APPLICANTS: RONALD L. FARIA AND
CHRISTINE A. REAMES**

SERIAL NO.: 09/752,236

FILED: 01/02/2001

**FOR: SCANEZE CHECK-IN-CHECK-OUT
LIBRARY WORKSTATION**

**ON APPEAL TO THE
BOARD OF APPEALS**

APPEAL NO.

**EXAMINER: KIMBERLY D.
NGUYEN**

GROUP ART UNIT: 2876

BRIEF FOR APPELLANT

RECEIVED
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This is an appeal from the Examiner of Art Unit 2876 refusing **CLAIMS 11**

through 20 inclusive, all the Claims in the Case. The Claims on appeal read as follows:

CLAIM 11. A device for desensitization or sensitization of magnetic security

markers, such as those used on books or videos, comprising:

a) an electromagnetic transducer including a magnet comprised of a core and coil of concentrically wound wire, intensifier blocks forward of the magnet to focus the flux of the magnet, said core being comprised of laminated sheets of transformer steel, and said intensifier blocks being comprised of laminated layers of transformer steel;

b) electronic means to power said electromagnetic transducer with DC or AC current;

c) switch means to shift the power to the transducer means between AC and DC, such that when said electromagnetic transducer is powered by DC current it will desensitize magnetic security markers that are moved past said transducer, and when said electromagnetic transducer is powered by AC current it will sensitize magnetic security markers that are moved past said electromagnetic transducer.

CLAIM 12. The device of **CLAIM 11** wherein said electromagnetic is comprised of two (2) electromagnetic coils and a core.

CLAIM 13. The device of **CLAIM 11** wherein the core is comprised of 36 sheets

of .012" thick 3% grain oriented silicon sulfide transformer steel that are laminated together.

CLAIM 14. The device of **CLAIM 13** wherein the intensifier blocks are comprised of 32 sheets of 14 mil transformer steel that are laminated together.

CLAIM 15. The device of **CLAIM 14** wherein the cross-section of the intensifier blocks is that of a half-trapezoid.

CLAIM 16. The device of **CLAIM 11** wherein the electromagnetic transducer produces a flux having a depth of 2 inches, a width equal to the width of the transducer and a flux density no greater than 700 gauss.

CLAIM 17. The method of desensitizing or sensitizing a magnetic security marker attached to books or videos by an electromagnetic transducer workstation comprising the steps of:

- a) switching the power to the transducer to direct current;
- b) emitting electromagnetic flux in a range of 2 inches or less, and of a maximum flux density of 700 gauss;

c) moving the marker in translational movement by the workstation and the transducer and its emitted flux to desensitize the marker;

d) switching the power to the transducer to alternating current;

e) emitting electromagnetic flux in a range of 2 inches or less and of a maximum 700 gauss;

f) moving the marker in translational movement by the workstation and transducer to sensitize the marker wherein the desensitizing/sensitizing procedure is accomplished without damage to videos because of the short range and low flux/density.

CLAIM 18. An apparatus or workstation for desensitizing or sensitizing electromagnetic markers attached to books or videos comprising:

a) a housing comprised of a base, a cover, and a magnet housing;

b) an electromagnetic transducer secured to the base and the housing in position to emit electromagnetic flux through the wall of the magnetic housing, said electromagnetic transducer including a magnet, that is comprised of a core and two (2)

coils of concentrically wound wire, and a pair of intensifier blocks, forward of the magnet, which focus the flux created by the magnet into a small space through said wall;

c) electronic circuitry to power the electromagnetic transducer with direct current or alternating current;

d) switch means to shift the power to the electromagnetic transducer between AC and DC current such that, when said electromagnetic transducer is powered by DC current it will desensitize magnetic security markers that are moved past said housing and said transducer, and when said electromagnetic transducer is powered by AC current, it will sensitize magnetic security markers that are moved past said housing and electromagnetic transducers.

CLAIM 19. The apparatus of **CLAIM 18** wherein the transducer produces a flux having a depth of 2 inches, width equal to the width of the transducer, and a flux density no greater than 700 gauss, wherein the desensitizing/sensitizing procedure is accomplished without damage to videos because of the short range and low flux density.

CLAIM 20. The apparatus of **CLAIM 19** wherein the flux that is created by the magnet is focused between the intensifier blocks through the face of the housing into the magnetic security mark which moves translationally across the path of the flux.

Appellant has also submitted an Amendment to the Application pursuant to 37 CFR Section 1.116 which corrects informalities noted by the Examiner in **CLAIMS 11 and 17** and a vague reference in **CLAIM 18**. That Amendment is appended as ***EXHIBIT A*** to this Appeals Brief. The Advisory Action response is appended as ***EXHIBIT B*** to this Appeals Brief. With the **NOTICE OF APPEAL**, Petitioners filed a Petition For Extension Of Time (2 Months) under 37 C.F.R. 1.136(a) and paid the \$410 non-small-entity fee. A copy of the Petition is attached as ***EXHIBIT C***.

THE REFERENCES RELIED UPON BY THE EXAMINER

<i>ZAREMBO, et al.</i>	5,625,339	APRIL 29, 1997
<i>LAUNT</i>	3,898,595	AUGUST 5, 1975
<i>HOLCE, et al.</i>	5,808,846	SEPTEMBER 15, 1998
<i>MILBERGER, et al.</i>	4,682,126	JULY 21, 1987
<i>SCHAEFER</i>	4,042,870	AUGUST 16, 1977

SUMMARY OF THE INVENTION

The present invention provides means for sensitizing and desensitizing magnetic security strips or EAS markers, adhered to books, CD's and videos, more quickly with less electromagnetic interference and no destruction of audio and video tapes and other electronic equipment. The apparatus of the Invention is basically a transducer comprised of an electromagnetic that is specially designed to convert electricity to electromagnetic energy and to focus the resulting flux from the transducer between a pair of intensifier blocks through a nonmagnetic case wall into the magnetic security strips or EAS markers. The

controlled magnetic field of the transducer is limited (about 700 gauss) with a range of only about two inches (2") so that the flux will not harm audio or video tapes. The flux is only strong enough to desensitize or resensitize the magnetic security strips or EAS markers, not to damage the tapes or CDS beyond.

HISTORY OF PROSECUTION

Applicants filed their Application on January 2, 2001. In the First Office Action dated December 6, 2002, the Examiner rejected all ten (10) Claims. Claims 1-3, 7, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by *Zarembo, et al.* (United States 5,625,339), (hereinafter “Zarembo”) which had been cited by Applicants’. Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zarembo in view of Copeland, et al. (United States 6,060,988). And Claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatenable over Zarembo in view of Halpern (United States 6,173,897). Applicants responded with an Amendment dated March 3, 2003 in which Applicants substituted new Claims 11 through 20. In a Second Office Action mailed May 22, 2003, the action made final, the Examiner rejected Claims 11-20 based upon Zarembo and newly cited art *Launt* (United States 3,898,595), (hereinafter “Launt”); *Holce, et al.* (United States 5,808,846, (hereinafter “Holce”), Milberger, et al., (United States 4,682,126, (hereinafter “Milberger”); and *Schaefer* (United States 4,042,870),

(hereinafter "Schaefer"). The Examiner rejected Claim 18 under 35 U.S.C. Section 102(b) as being anticipated by Zarembo. Claims 11 and 12 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo in view of Launt. Claim 13 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo as modified by Launt as applied to Claim 11, and further in view of Holce. Claims 14 and 15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo as modified by Launt and Holce as applied to Claim 13, and further in view of Milberger, et al., Claim 16 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo as modified by Launt as applied to Claim 11, and further in view of Schaefer. Claim 17 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo in view of Schaefer. Claim 19 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo in view of Schaefer. No reason for rejection of Claim 20 was stated.

ISSUES (37 C.F. R. SECTION 1.192 (c)(4))

1. The Examiner has rejected **CLAIM 18** under 35 U.S. C. Section 102(b)

as being anticipated by *Zarembo, et al.*. It is the Examiner's contention that Zarembo teaches an apparatus or workstation for desensitizing or sensitizing electromagnetic markers attached to books or videos.

2. The Examiner has rejected **CLAIMS 11 and 12** under 35 U.S.C Section

103(a) as being unpatentable over Zarembo in view of *Launt*. The Examiner contends that Zarembo teaches a device for desensitization or sensitization of magnetic security markers, which includes an electromagnetic transducer 30 comprised of a core 32 and coil 44 of concentrically wound wire and tapered pole pieces 40 and 42. The Examiner alleges that the pole pieces focus the flux of the magnet. The Examiner further alleges that Launt teaches 'layer of laminated steel may be used transformer-like core and pole pieces.

3. The Examiner has rejected **CLAIM 13** under 35 U.S.C. Section 103(a)

as being unpatentable over Zarembo as modified by Launt as applied to **CLAIM 11**, and

further in view of *Holce, et al.*. The Examiner states that it would be an obvious design variation (by using 36 sheets of transformer steel) to an artisan of ordinary skill to incorporate a core which is made of 36 sheets of .012" thick 3% grain oriented silicon sulfide transformer steel as the Examiner alleges is taught by Holce.

4. The Examiner has rejected **CLAIMS 14 and 15** under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo as modified by Launt and Holce as applied to **CLAIM 13** above, and further in view of *Milberger, et al.*. The Examiner applies the same contentions as applied to **CLAIMS 11 through 13** and in addition alleges that it would have been an obvious design variation to an artisan of ordinary skill in the art to incorporate 32 sheets (instead of a plurality of sheets as taught by Milberger of 14 mil silicon steel laminations into the making of the transformer intensifier blocks (instead of the core as taught by Milberger).

5. The Examiner has rejected **CLAIM 16** under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo as modified by Launt as applied to **CLAIM 11** above, and

further in view of *Schaefer*. The Examiner states

that "... Zarembo as modified by Launt fails to teach or fairly suggest the device, wherein the electromagnetic transducer produces a flux having a depth of 2 inches, a width equal to the width of the transducer and a flux density no greater than 700 gauss."

The Examiner contends that Schaefer supplies the missing element of a flux having a small size and a low flux density.

6. The Examiner has rejected **CLAIM 17** as being unpatentable over Zarembo in view of Schaefer. Schaefer discusses an electromagnetic transducer designed for use with a transistor oscillator power converter which produces a flux having a small size. The purpose of the small size is to reduce wasted power according to the reference. The Examiner claims it would have been obvious to an artisan of ordinary skill to modify the size and the density of the flux as taught by Schaefer to the teachings of Zarembo in order to obtain the particular flux's size and density as claimed in the instant Invention.

7. The Examiner has rejected **CLAIM 19** under 35 U.S.C. 103(a) as being

unpatentable over Zarembo in view of Schaefer. As with 6., the Examiner alleges that it would be obvious to an artisan of ordinary skill in the art to modify the size and the density of the flux as taught by Schaefer to the teachings of Zarembo as modified by Launt in order to obtain the particular flux's and density as claimed by the instant Invention.

8. The Examiner has stated no reasons for the rejection of **CLAIM 20**.

GROUPING OF CLAIMS

CLAIMS 11 through 16 are related.

CLAIM 17 is independent.

CLAIMS 18, 19, and 20 are related.

ARGUMENT

CLAIM REJECTION (35 U.S. C. Section 102)

“A rejection under Section 102 involves a comparison between the subject matter disclosed by the reference and the claimed Invention, in order to determine whether the claimed Invention is “described” in the reference. See, e.g., *In re Sheppard*, 52 CCPA

859, 339 F 2d 238, 144 USPQ 42.” *In re Hughes*, 145 USPQ 467, 469; 345 F2d 184.

The Examiner has rejected **CLAIM 18** under 35 U.S.C. 102(b) as being anticipated by Zarembo. There are similarities between Zarembo and Appellants’ Invention, however, there are also dissimilarities, and it is those dissimilarities that are the essence of the Invention, that is focusing flux into a small space between the intensifier blocks and through the wall of the housing. The Zarembo reference, on the other hand (column 2, lines 52-54) produces a magnetic field that is horizontal (e.g., parallel with and adjacent to the work surface). There is no language, nor thought to “focus the flux created by the magnet into a small space through said wall”. Appellants’ Invention has been designed for the protection of video and audio tapes and CD’s. There is no thought in the Zarembo reference to treat those items any different than books. Applicants’ Invention displays inventive merit over the reference and should be allowed.

CLAIM REJECTIONS (35 U.S.C. Section 103)

For a rejection to be proper under Section 103 of the Patent Statute, the subject

matter as a whole must have been obvious to a person having ordinary skill in the art to which the Invention pertains. Thus, it is necessary to determine the level of ordinary skill in the relevant art.

Factors pertinent to evaluate the level of ordinary skill include: (1) the educational level of the inventor; (2) the type of problems encountered in the art; (3) the prior art solutions to those problems; (4) the rapidity with which innovations are made in the art; (5) the sophistication of the technology; and (6) the educational level of workers active in field. *Environmental Design, Ltd. V. Union Oil Co. of California* 713 F. 2d 693, 218 USPO 865 (CAFC 1983).

This level of skill is not the skill possessed by a Judge, or a layman, or by those skilled in remote fields of endeavor, or by Patent Examiners or by geniuses in the field.

The person of ordinary skill is a hypothetical, de jure person who is presumed by law to be aware of all of the pertinent prior art. The actual Inventor's skill is not determinative. The level of skill in a particular field may be shown by references published after the effective

filing date of the Application in question. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F. 2d 281, 227 USPQ 657 (CAFC) 1985); *Ex parte Movva*, 31 USPO 2d 1027, 1033 n. 7 (BPAI 1993). While the factors just stated are the ones that must be considered, not all of these factors may be present in every case, and one or more of them may predominate. *Custom Accessories, Inc., v. Jeffrey-Allan Industries, Inc.*, 807 F. 2d 955, 11 USPQ 2d 1196 (CAFC 1986). An example of how the level of skill is determined for a particular Invention, especially in view of conflicting evidence, is given in *In re GPAC Inc.*, 57 F. 3d 1573, 35 USPQ 2d 1116 (CAFC 1995).

While a person of ordinary skill in the art is deemed to be aware of all relevant prior art, that legal fiction of such overwhelming knowledge is not used to determine the level of skill for that person. For example, most technicians in a field would not likely acquire such a broad-based knowledge of the technical literature. But a professor of engineering might. *In Helifix Lts. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 U.S.P.Q. 2d (BNA) 1299 (Fed. Cir. 2000), the Federal Circuit held that a District Court should not have constructed the

hypothetical person of ordinary skill in the art by determining which persons working in the field of the Invention are likely to be familiar with the relevant literature. As such, it is important to first determine the person of ordinary skill in the art, and only then presume knowledge of everything in the prior art.

1. The Examiner has rejected **CLAIMS 11 and 12** under 35 U.S.C. 103 as being unpatentable over Zarembo (U.S. 5,625,339) in view of Launt (U.S. 3,898,595). The two prior art Patents individually or in combination teach away (expressly or by implication) from Appellants' Invention. Appellants' Invention focuses a controlled field (700 gauss in a arrange of 2 inches) through the face of a non magnetic housing and into the electro-magnetic security markers to sensitize or desensitive the markers. Zarembo (col. 2, lines 52-54) produces a magnetic field that is horizontal and parallel to the work surface not perpendicular to the surface as is the magnetic field of Appellants' Invention.

Launt discloses a magnetic laminate 12 in combination with its copper shielding and the insulating baseboard 10. The transducer of the present Invention uses no shielding between

laminations. A series of laminations with copper shield 14 on one side and insulating baseboard 10 on the other would certainly produce a core and results far different from the core of the Applicants' Invention. Neither Zarembo, nor Launt, individually, nor any of the other Patents cited herein, consider the problem solved by Appellants' Invention, namely the protection of valuable audio and video tapes and disks. The art does not suggest this combination and no thought is created by the combination to focus a limited flux in a small space only into the electromagnetic security tape and not into the video or audio tape or disk beyond.

2. The Examiner has rejected **CLAIM 13** under U.S.C. Section 103 as being unpatentable over Zarembo as modified by Launt as applied to **CLAIM 11** and further in view of Holce (U.S. 5,808,846). Appellants ask the Board to consider the comments and arguments in 1. hereinabove in consideration of CLAIM 13. Holce discloses an unrelated device for the control and protection of electrical devices such as electric motors. The Holce device includes a transformer that includes a wire-wrapped magnetically permeable

toroidal core made of wire of 0.012 silectron, 3% silicon steel, grain oriented, 1.375 inch outside diameter. The combination of Holce, Launt and Zarembo fails to teach the elements of Appellants' Invention. More particularly, the combination provides no thought for such a design. The parts of the combination do not create a whole. Obviously, Appellants' Invention is the product of experimentation and design with specific purposes in mind. The proposed combination doesn't produce the results possible with Appellants' Case. It is not just a simple expedient for one with ordinary (skill) in the art to modify Holce's Invention to produce Appellants' Invention. The ordinary person doesn't have the education of a college professor or geniuses in the field. The Examiner appears to be considering an ordinary person who is possessed of knowledge and skill well beyond that which is considered by case law.

3. The Examiner has rejected **CLAIMS 14 and 15** as being unpatentable over Zarembo as modified by Launt and Holce as applied to **CLAIM 13**, and further in view of Milberger. Appellants ask that the comments and arguments in opposition to the

Examiner's rejection of **CLAIM 13** (2. hereinabove) be incorporated herein and considered.

The combination becomes more and more unwieldy. The addition of the 'Spacercore' construction of Milberger's teachings does not add to the combination of Zarembo modified by Launt and Holce to complete a whole. Instead it appears to teach further away from that combination . The Milberger Invention was designed for a very specific purpose for phase shifting and rapid high power switching neither of which purposes is related to the present Invention. The Milberger reference is individually complete and functional in itself as are the other references Zarembo, Launt, and Holce so there would be no reason to use parts from or add or substitute parts to any reference.

4. The Examiner has rejected **CLAIM 16** under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo as applied to **CLAIM 11** and further in view of Schaefer. Nothing in the cited references teaches a "flux having a depth of 2 inches, a width equal to the width of the transducer, and a flex density no greater than 700 gauss". Appellants' Invention is created to work along the very fine line between sensitizing or desensitizing the

magnetic security markers, and the protection of video and audio tapes and CD's which bear that tape. The references produced by the Examiner present a very gross attempt to produce the same result. The attempt clearly fails. For the reasons stated previously the references teach away from the Appellants' Invention and there is no hint in either reference to solve the problem that is solved by Appellants' Invention.

5. The Examiner has rejected **CLAIM 17** under 35 U.S.C. Section 103(a) as being unpatentable over Zarembo in view of Schaefer. As previously discussed herein Zarembo (column 2, line 53), "the magnetic field produced in horizontal (e.g., parallel with and adjacent to the work surface)." And further (column 4, lines 44-47), "Third, because of the offset shape of the core provided by offset portions 36 and 38, the core can be oriented in a housing (see **FIGURE 2**) such that the resulting magnetic field is horizontal." The resulting flux of Zarembo would apparently be perpendicular to the focused flux in a range of 2 inches or less and of a maximum 700 gauss of the present Invention. Schaefer produces nothing but a small size. No reasons for the small size in relation to the present Invention

are disclosed, and no finite limitations such as depth of 2 inches and no greater than 700 gauss. There is no indication in either reference that it should be combined as the Examiner has stated. The references singularly or in combination fail to anticipate Appellants' Invention.

6. The Examiner rejected **CLAIM 19** under 35 U.S.C. 103(a) as being unpatentable over Zarembo in view of Schaefer. Individually or in combination, the references do not anticipate **CLAIM 19** which speaks of "a flux having a depth of 2 inches, width equal to the width of the transducer, and a flux density no greater than 700 gauss...".

As previously discussed in 5. above, the flux produced in the Zarembo reference is horizontal or parallel with and adjacent to the work surface. The flux of the present Invention is focused into a "small space through said wall", **not** parallel to it. The references produce no reason to combine, they are complete in themselves. Nor does either reference consider the need to protect the video or audio tapes and CD's from too much flux.

7. The Examiner rejects **CLAIM 20**, but fails to provide an explanation in the Detailed Action. Without an explanation, it is impossible to frame a response. As stated *In re Hughes* (1965) 145 USPQ, 345 F2d 184:

“It seems basic to the concept of procedural due process than an Applicant at least be informed of the broad statutory basis for rejecting his claims, so that he may determine what the issues are on which he can or should produce evidence. In order that the Applicant be so informed, 35 U.S.C. 132 requires that whenever a rejection is made, the Commissioner “shall notify the Applicant thereof, stating the reasons for such rejection, or objection...”.

Without reasons for rejection, all that can be presented are the arguments that are already presented herein in opposition to the rejections by the Examiner. The references cited by the Examiner fail individually or in combination because they do not produce the essence of Appellants’ Invention as expressed by the Claims. It would certainly require more than an artisan of ordinary skill to combine the art presented and produce the

sensitivity required to protect video and audio tapes and CD'. The prior art would create a monster not the simplicity that is present in Appellants' Invention.

CONCLUSION

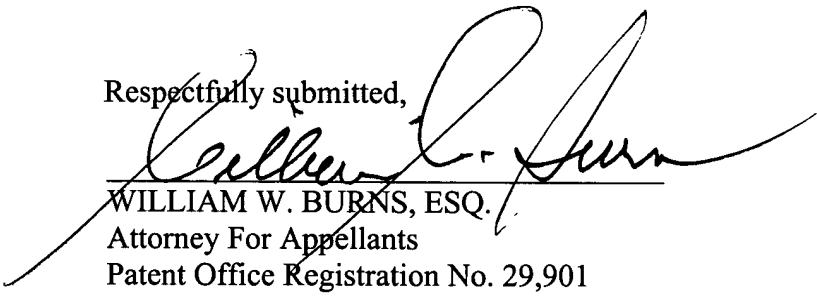
In conclusion, Appellants believe that each of their **CLAIMS 11 through 20** on Appeal are patentable as the references cited by the Examiner do not disclose (**CLAIM 18**) or anticipate Appellants **CLAIMS (11-19)**. No basis for rejection was stated for **CLAIM 20**.

If the Board agrees with any of the statements above, they should allow the Claims on Appeal.

Accordingly, the reversal of the Examiner by the Honorable Board of Appeal is respectfully solicited.

Dated: October 10, 2003

Respectfully submitted,



WILLIAM W. BURNS, ESQ.

Attorney For Appellants

Patent Office Registration No. 29,901

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EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/752,236

GROUP ART UNIT: 2876

APPLICATION FILED: 01/02/2001

**EXAMINER: KIMBERLY D.
NGUYEN**

**APPLICANT: RONALD L. FARIA
CHRISTINE A. REAMES**

**TITLE: SCANEZE CHECK-IN-CHECK
OUT LIBRARY WORKSTATION**

_____ /

AMENDMENT

August 1, 2003

Assistant Commissioner For Patents
United States Patent and Trademark Office
Washington, D.C 20231

Sir:

In response to the Office Action mailed May 22, 2003, please amend the above-captioned Application pursuant to 37 CFR Section 1.116 as follows:

IN THE CLAIMS

Please rewrite **CLAIMS 11, 17, and 18** as follows:

CLAIM 11 (AMENDED). A device for desensitization or sensitization of

magnetic security markers, such as those used on books or videos, comprising:

a) an electromagnetic transducer including a magnet comprised of a core and coil of concentrically wound wire, intensifier blocks forward of the magnet to focus the flux of the magnet, said core being comprised of laminated sheets of transformer steel, and said intensifier blocks being comprised of laminated layers of transformer steel,

b) electronic means to power said electromagnetic transducer with DC or AC current.

c) switch means to shift the power to the transducer means between AC and DC, such that when said electromagnetic transducer is powered by DC current [it] the electromagnetic transducer will desensitize magnetic security markers that are moved past said transducer, and when said electromagnetic transducer is powered by AC current [it] the electromagnetic transducer will sensitize magnetic security markers that are moved past said electromagnetic transducer.

CLAIM 17 (AMENDED). The method of desensitizing or sensitizing a magnetic security marker attached to books or videos by an electromagnetic transducer workstation comprising the steps of:

- a) switching the power to the transducer to direct current;
- b) emitting electromagnetic flux in a range of 2 inches or less, and of a maximum flux density of 700 gauss;
- c) moving the marker in translational movement by the workstation and the transducer and its emitted flux to desensitize the marker;
- d) switching the power to the transducer to alternating current;
- e) emitting electromagnetic flux in a range of 2 inches or less and of a maximum flux density of 700 gauss;
- f) moving the marker in translational movement by the workstation and transducer to sensitize the marker wherein the desensitizing/sensitizing procedure is accomplished without damage to videos because of the short range and low flux/density.

CLAIM 18 (AMENDED). An apparatus or workstation for desensitizing or sensitizing electromagnetic markers attached to books or videos comprising:

- a) a housing comprised of a base, a cover, and a magnet housing;
- b) an electromagnetic transducer secured to the base and the housing

in position to emit electromagnetic flux through the wall of the magnetic housing, said electromagnetic transducer including a magnet, that is comprised of a core and two (2) coils of concentrically wound wire, and a pair of intensifier blocks, forward of the magnet, which focus the flux created by the magnet into a small space through said wall;

c) electronic circuitry to power the electromagnetic transducer with direct current or alternating current;

d) switch means to shift the power to the electromagnetic transducer between AC and DC current, such that, when said electromagnetic transducer is powered by DC current [it] the electromagnetic transducer will desensitize magnetic security markers that are moved past said housing and said transducer, and when said electromagnetic transducer is powered by AC current, [it] the electromagnetic transducer will sensitize magnetic security markers that are moved past said housing and electromagnetic transducers.

REMARKS

Applicant has amended **CLAIMS 11, 17, and 18** in accordance with the suggestions of the Examiner and pursuant to 37 CFR Section 1.116 to place the Claims in better form.

Dated: August 6, 2003

Respectfully submitted,



WILLIAM W. BURNS, ESQ.

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Advisory Action

Application N .

09/752,236

Applicant(s)

FARIA ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

2876

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 11 August 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: N/A.Claim(s) objected to: N/A.Claim(s) rejected: 11-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

EXHIBIT C

PTO/SB/22 (06-03)

Approved for use through 7/31/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
In re Application of FARIA, et al.			
Application Number 09/752,236		Filed 01/02/2001	
For SCANEZE CHECK-IN-CHECK-OUT LIBRARY WORKSTATION			
Art Unit 2876		Examiner K. D. NGUYEN	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ <u>410</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 205.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

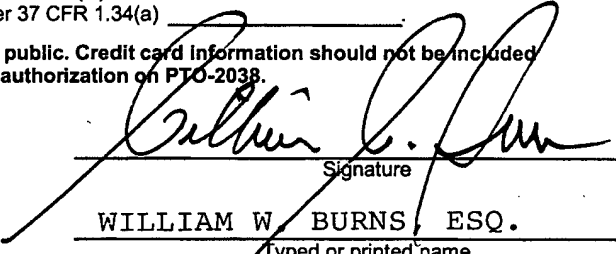
☒ attorney or agent of record. Registration Number 29,901

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

AUGUST 7, 2003
Date

(408) 395-2226
Telephone Number



 Signature
WILLIAM W. BURNS, ESQ.

 Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 4 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING

(37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Commissioner Of Patents And Trademarks

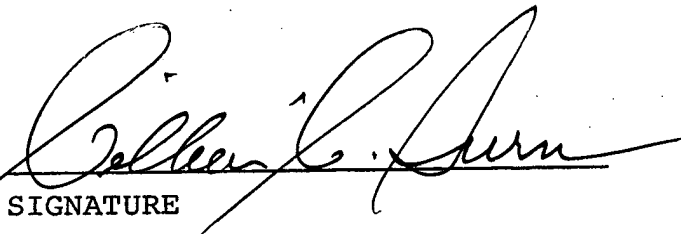
Washington, D.C. 20231

on OCTOBER 11, 2003.

Name of Applicant, Assignee, or Registered Representative:

WILLIAM W. BURNS, ESQ.

REG. NO. 29,901


SIGNATURE

OCTOBER 11, 2003

DATE

In re APPLICATION OF:
APPLICANTS: RONALD L. FARIA AND
CHRISTINE A. REAMES
SERIAL NO.: 09/752,236
FILED: 01/02/2001
FOR: SCANEZE CHECK-IN-CHECK-OUT
LIBRARY WORKSTATION
APPEAL BRIEF

RECEIVED
OCT 21 2003
TECHNOLOGY CENTER 2800

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